

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. Moreover, the Applicant has reviewed the First (Non-Final) Office Action of May 7, 2004, and submits that this paper is responsive to all points raised therein.

Status of the Claims

Claims 1-7, 9-13 and 15-45 are presently pending. Claims 1, 12, 13, 15, 19, 29-32 and 36-42 have been amended. Claims 8 and 14 have been cancelled. Claims 43-45 are new and have been added.

Rejections Under 35 USC 102(b)

Claims 1, 2, 5-10, 17, 19, 20, 23-27, 34, and 36 are rejected under 35 USC 102(b) as anticipated by Zieger, et al. (U.S. Patent No. 5,846,176) (Zieger).

Initially, claim 8 has been cancelled, whereby the rejection of this claim is now moot. Independent claims 1 and 19 have been amended to include the receiver portion having ends, each of the ends configured for weighting the roller. There is also a fluid transport system for providing fluid to the roller.

Zieger is directed to a concrete finishing roller tool with a roller 12 that seats in a U-shaped frame 16. The roller body 12 is weighted by being filled with concrete or sand, that is evenly distributed along the length of the roller body 12. Water, stored in a bottle 28, flows through a hose 32 and into conduits 36 for irrigating the roller body 12, that in combination with the bristles 43, keeps the roller body 12 free of concrete debris.

Zieger fails to show, teach or suggest, structure for weighting the ends of U-shaped frame, as it is directed to weighting the roller body. Accordingly, Zieger fails to show the structure recited in claims 1 and 19, and therefore, these claims are not anticipated by Zieger under 35 USC 102(b). Moreover, since weighting of Zieger is done inside the roller, it is respectfully asserted Zieger can not render claims 1 and 19 obvious under 35 USC 103(a).

Since claims 1 and 19 are not anticipated under 35 USC 102(b), nor rendered obvious under 35 USC 103(a) by Zieger, claims 2, 5-7, 9, 10, and 17, and 20, 23-27, and 34, respectively dependent thereon, are also not anticipated under 35 USC 102(b), nor rendered obvious under 35 USC 103(a) by Zieger for the same reasons. These claims further distinguish the invention over the cited art and are therefore, allowable over this cited art.

Claim 36, as amended, is directed to a method for stamping concrete where an apparatus is provided with a receiver portion having ends, each of the ends configured for weighting a roller, engaged by the receiver portion. There is also a fluid transport system for providing fluid to the roller. The receiver portion is weighted on at least one of its ends, and rolled over the wet concrete. Fluid from the fluid transport system is released onto the roller to release the roller from the concrete.

Zieger has been discussed above. That discussion is applicable here. Additionally, the water flow onto the roller body of Zieger is for removing concrete debris from the roller body, and therefore, Zieger also includes brush bristles 43 for removing concrete particles from the roller body. Zieger is silent as to dispensing fluid for releasing the roller body from the concrete.

Based on the above, it is respectfully asserted, the Zieger fails to show the method of claim 36. Accordingly, claim 36 is not anticipated by Zieger under 35 USC 102(b).

Rejections Under 35 USC 103(a)

Claims 3, 4, 21 and 22 were rejected under 35 USC 103(a) as obvious over Zieger in view of Jones (U.S. Patent No. 5,022,783).

Claims 1, 19 are the independent claims, on which claims 3 and 4, and, 21 and 22, respectively depend. Claims 1, and 19 have been discussed above. Those discussions are applicable here.

Zieger has been discussed above. That discussion is applicable here.

Jones, cited to teach spraying concrete release fluid onto the roller body of Zieger, fails to cure the structural deficiencies of Zieger. This is because, like Zieger, Jones also fails to teach a receiver portion whose ends are configured for weighting.

The proposed combination of Jones with Zieger remains structurally deficient, as it does not meet all of the limitations of the claimed invention. Accordingly, it is respectfully asserted that claims 1 and 19 are non-obvious under 35 USC 103(a) in view of the art of record.

Since claims 1 and 19 are non-obvious under 35 USC 103(a) in view of the art of record, claims 3 and 4, and 21 and 22, dependent on claims 1 and 19, respectively, are also non-obvious under 35 USC 103(a) in view of the art of record for the same reasons. These claims further distinguish the invention over the art of record.

Claims 11, 18, 28 and 35 were rejected under 35 USC 103(a) as obvious over Zieger in view of Brimo (U.S. Patent No. 4,776,723).

Claims 1, 19 are the independent claims, on which claims 11 and 18, and, 28 and 35, respectively depend. Claims 1 and 19 have been discussed above. Those discussions are applicable here.

Zieger has been discussed above. That discussion is applicable here.

Brimo, cited to teach a stamp of urethane rubber, fails to cure the deficiencies associated with Zieger, as it fails to show, teach or suggest a device for weighting at its ends, as it fails to teach a receiver portion whose ends are configured for weighting.

Based on the above, the proposed combination of Brimo with Zieger remains structurally deficient, as it does not meet all of the limitations of the claimed invention. Accordingly, it is respectfully asserted that claims 1 and 19 are non-obvious under 35 USC 103(a) in view of the art of record.

Since claims 1 and 19 are non-obvious under 35 USC 103(a) in view of the art of record, claims 11 and 18, and 28 and 35, dependent on claims 1 and 19, respectively, are also non-obvious under 35 USC 103(a) in view of the art of record for the same reasons. These claims further distinguish the invention over the art of record.

Claims 12-14, 16, 29-31, 33, 37 and 38 were rejected under 35 USC 103(a) as obvious over Zieger in view of Chandler, et al. (U.S. Patent No. 3,910,738) (Chandler).

Claim 14 has been cancelled. Accordingly, the rejection of this claim under 35 USC 103(a) is now moot.

Claims 1, 19 and 36 are the independent claims, on which claims 12, 13 and 16, 29-31 and 33, and 37 and 38, respectively depend. Claims 1, 19 and 36 have been discussed above. Those discussions are applicable here.

Zieger has been discussed above. That discussion is applicable here.

Chandler is directed a device having a roller for finishing concrete with a roller 14 that attaches to a U-shaped member 18 that is attached to a handle member 20. A weight retaining rod 24 for accommodating weights is positioned central to the roller 14.

PATENT
Attorney Docket No. 65936
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Chandler can not be properly combined with Zieger, as these references teach weighting their respective rollers differently. Accordingly, it is respectfully asserted that the skilled artisan, with Chandler and Zieger before them, would lack motivation to make the Examiner's proposed combination.

Even if the proposed combination of Zieger with Chandler was possible, it would remain structurally deficient and would not perform the recited method. As Chandler teaches centrally positioned weights, this is in contrast to the claimed invention, that teaches weighting at the ends of the receiver portion. Accordingly, Chandler fails to cure the structural deficiencies of Zieger, and does not add any limitations as to fluid distribution onto the roller.

Based on the above, the proposed combination of Chandler with Zieger falls short of the claimed invention. Accordingly, it is respectfully asserted that claims 1, 19 and 36 are non-obvious under 35 USC 103(a) in view of the art of record.

Since claims 1, 19 and 36 are non-obvious under 35 USC 103(a) in view of the art of record, claims 12, 13 and 16, 29-31 and 33, and, 37 and 38, dependent on claims 1, 19 and 36, respectively, are also non-obvious under 35 USC 103(a) in view of the art of record for the same reasons. These claims further distinguish the invention over the art of record.

Claims 12-15, 29-32 and 39-42 were rejected under 35 USC 103(a) as being unpatentable over Zieger in view of Wynnings (U.S. Patent No. 6,585,451).

Claim 14 has been cancelled. Accordingly, the rejection of this claim under 35 USC 103(a) is now moot.

Claims 1, 19 are the independent claims, on which claims 12, 13 and 15, and, 29-32, respectively depend. Claims 1 and 19 have been discussed above. Those discussions are applicable here.

Zieger has been discussed above. That discussion is applicable here.

Wynnings, cited to teach ganged weights on lateral sides of a two-roller compaction roller, is not suitable for combination with Zieger. Zieger discloses weighting only the roller body itself. It is silent as to any other methods of weighting, and its U-shaped frame is not suitable for being weighted in any manner.

For these reasons, Wynnings can not be used to properly modify Zieger. Accordingly, Zieger remains structurally deficient as it fails to teach or suggest structure for weighting the U-shaped frame at its ends. Accordingly, claims 1 and 19 are non-obvious under 35 USC 103(a) in view of the art of record.

Since claims 1 and 19 are non-obvious under 35 USC 103(a) in view of the art of record, claims 12, 13 and 15, and 29-32, dependent on claims 1 and 19, respectively, are also non-obvious under 35 USC 103(a) in view of the art of record for the same reasons. These claims further distinguish the invention over the art of record.

Claim 39, as amended, is directed to a method for stamping concrete where an apparatus is provided with a receiver portion having ends, each of the ends configured for weighting a roller at its ends, engaged by the receiver portion. There is also a fluid transport system for providing fluid to the roller. The receiver portion is weighted on at least one of its ends, and rolled over the wet concrete. Fluid from the fluid transport system is released onto the roller to release the roller from the concrete.

Both Zieger and Wynnings have been discussed above. Those discussions and the discussion that their combination can not be properly made are applicable here. Additionally, even if the combination could be made, the resultant method would lack the provision of an

apparatus with a U-shaped frame suitable for weighting, and for providing release fluid onto the roller body, for releasing it from the concrete.

Based on the above, the Examiner's proposed combination of Zieger and Wynnings fails to arrive at the claimed method. Accordingly, claim 39 is non-obvious under 35 USC 103(a) in view of the art of record.

Since claim 39 is non-obvious under 35 USC 103(a) in view of the art of record, claims 40-42, dependent thereon, are also non-obvious under 35 USC 103(a) in view of the art of record for the same reasons. These claims further distinguish the invention over the art of record.

Additional Remarks and Conclusion

New claims 43-45 have been added to round out the scope of the invention.

It is respectfully asserted that these claims are allowable over the art of record. Claim 43 is directed to a method for stamping concrete where an apparatus is provided with a receiver portion having ends, each of the ends configured for weighting a roller, engaged by the receiver portion. There is also a fluid transport system for providing fluid to at least the concrete. The receiver portion is weighted on at least one of its ends, and rolled over the wet concrete. Fluid from the fluid transport system is released onto at least the concrete to release the roller from the concrete. Claims 44 and 45 add additional limitations to claim 43.

The applicant notes the Examiner's citations of Gunderson (U.S. Patent No. 4,036,126), Magalski (U.S. Patent No. 5,222,828), Shilling (U.S. Patent No. 828,575), Loveland (U.S. Patent No. 1,099,185), Dunham (U.S. Patent No. 942,892), and Dunham (U.S. Patent No. 1,038,732), to complete the record.

PATENT
Attorney Docket No. 65936
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The applicant also requests that the items of the information cited in the Information Disclosure Statement and Form PTO/SB/08a, filed on November 14, 2003, be considered, to complete the record. Applicant also requests that the initialed Form PTO/SB/08a, listing the above-mentioned items of information, be sent to the Applicant's attorney with the next papers from the Examiner.

Should the Examiner have any questions or comments as to the form, content, or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Allowance of all pending claims, claims 1-7, 9-13 and 15-45, is respectfully requested.

Respectfully submitted,

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By: _____


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